



09 APR 2008

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In re Application of :  
CONGARD *et al* :  
U.S. Application No.: 10/570,135 :  
PCT No.: PCT/FR2004/002241 :  
Int. Filing Date: 02 September 2004 :  
Priority Date: 02 September 2003 :  
Attorney Docket No.: CONGARD3 :  
For: PROJECTION SCREEN, IN :  
PARTICULAR FOR VIDEO :  
PROJECTION REDUCING THE MOIRE :  
EFFECT :

**DECISION**

This decision is in response to the papers filed 13 February 2008.

**BACKGROUND**

On 02 July 2007, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 11 January 2008, a Notice of Abandonment failure to respond to the Decision on Petition was mailed.

On 13 February 2008, applicants filed a response which was accompanied by, *inter alia*, a petition to revive under 37 CFR 1.137(b) with fee, a declaration of Yves Trelohan, and copies of a French postal receipt with English notes.

**DECISION**

**Petition to Revive Under 37 CFR 1.137(b)**

A petition to revive pursuant to 37 CFR 1.137(b) requires: (1) a proper reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Applicants submitted a renewed petition under 37 CFR 1.47(a). This is considered an appropriate response. Item (1) is satisfied. Applicants provided the petition fee of \$1,540.00. Applicants' statement in the petition meets the requirement of

37 CFR 1.137(b)(3). A terminal disclaimer is not required. All items of 37 CFR 1.137(b) are complete.

Applicants' petition to revive under 37 CFR 1.137(b) is **GRANTED**.

#### **Petition Under 37 CFR 1.47(a)**

Items (1), (3) and (4) of 37 CFR 1.47(a) were completed in the initial petition filed 03 January 2007. However, the petition was dismissed for failing to provide evidence of receipt of a copy of the subject application by the nonsigning inventor. Moreover, the 37 CFR 1.47(a) applicants did not present evidence showing that they attempted to contact the nonsigning inventor to verify the intentions of the nonsigning inventor. As such, item (2) of 37 CFR 1.47(a) was deemed not yet complete.

In the renewed petition, the 37 CFR 1.47(a) applicants submitted a declaration by Yves Trelohan who states that "I have contacted Mr. Congard twice during the U.S. patent process and he clearly informed me that he will not sign the document." Mr. Trelohan also claims that the nonsigning inventor is "cooperating with a competitor of Screen Research," as such, he believes that "further contacts beyond those reported above will be futile."

Mr. Trelohan also provides a translation of the French postal receipt submitted in the initial petition which indicates that the receipt was sent to the last known address for the nonsigning inventor and received. Mr. Trelohan concludes that despite the signature of receipt being illegible, "a registered letter will only be delivered to the addressee by the French Post Office."

This additional evidence is sufficient to show that the conduct of Mr. Congard constitutes a refusal to cooperate as contemplated by section 409.03(d) of the MPEP. Applicants have now provided sufficient evidence to meet the requirements of item (2) of 37 CFR 1.47(a).

Accordingly, all the requirements of 37 CFR 1.47(a) are now complete.

#### **CONCLUSION**

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 02 September 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 03 January 2007.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be

forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the Office of Patent Application processing for continued processing.

A handwritten signature in black ink, reading "James Thomson". The signature is written in a cursive style with a large, stylized "J" and "T".

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